

REMARKS

With this Amendment, claims 8-13, 19-23 and 25 are canceled. Accordingly, claims 1-7, 14-18 and 24 are all the claims pending in the application.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3-5 and 15 contain allowable subject matter and would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of base claim and any intervening claims. *See* page 5 of the Office Action.

Claim Amendments

By this Amendment, Applicant amends claims 1, 6, 14, 17 and 24. No new matter is added.

Claims 1 and 14 are amended to incorporate the subject matter of allowable claim 3 and to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Claims 6 and 17 are amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Claim 24 is amended to overcome the rejection under 35 U.S.C. § 101.

Preliminary Matters

Applicant thanks the Examiner for initialing the references listed on Forms PTO/SB/08 submitted with the Information Disclosure Statements filed on February, 21, 2006, July 5, 2007, April 22, 2008, and August 6, 2009. Applicant also thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copies of the priority documents were received.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claims 1-7, 14-18 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the invention. *See* page 2 of the Office Action. Applicant thanks the the Examiner for pointing out the aspects of the claims thought to be indefinite and respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

Claim Rejections Under 35 U.S.C. § 101

Claim 24 is rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. *See* pages 2 and 3 of the Office Action. To expedite prosecution, Applicant has amended the claim to overcome the Examiner's rejection. Accordingly, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 101 rejection.

Prior Art Rejections

Claims 1, 2, 14 and 24¹ are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,537,573 to Horst (hereinafter "Horst") in view of Todd A. Kuiken, Nicolay S. Stoykov, Milica Popovic, Madeleine Lowrey and Allen Taflove, Finite Element Modeling of Electromagnetic Signal Propagation in a Phantom Arm, 12/2001, IEEE, Vol. 9 No. 4, 346-354 (hereinafter "Kuiken"). Claims 6, 7, 17 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horst and Kuiken and further in view of U.S. Patent Application No. 2003/0120183 to Simmons (hereinafter "Simmons").

¹ Although the Examiner lists claim 15 as allegedly being rejected under 35 U.S.C. § 103(a) (*see* page 3 of the Office Action), the Examiner did not provide any grounds for rejecting claim 15. Instead, at page 5 of the Office Action, claim 15 is listed as containing allowable subject matter. On the other hand, the Examiner provides grounds for rejecting claim 24. *See* page 4 of the Office Action. Accordingly, Applicant assumes the Examiner intended to reject claim 24 instead of claim 15 under 35 U.S.C. § 103(a) over Horst and Kuiken.

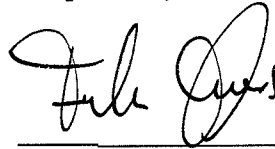
Applicant has incorporated the subject matter of allowable claim 3 into independent claims 1 and 14. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 14 be reconsidered and withdrawn. Claims 2, 6, 7, 17, 18 and 24 depend from claims 1 and 14, respectively, and are patentable at least by virtue of their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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